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19 L. A. VICTORY, INC. and JOE P. ZHAO

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 KOON CHUN HING KEE SOY & SAUCE
FACTORY, LTD.,

24 No. C 04-4146 MMC (EMC)

25 Plaintiff,

26 **STIPULATION AND ORDER WAIVING
27 JURY TRIAL AND CONSENTING TO
28 COURT TRIAL [F.R.C.P. RULES 38, 39]**

29 v.
30 EASTIMPEX, a California corporation, WELL
31 LUCK CO., INC., a New Jersey corporation,
32 and SUPER LUCK CO., INC. a California
33 corporation; EBJ WHOLESALE
34 CORPORATION, a California corporation;
35 L. A. VICTORY, INC., a California
36 corporation; JOE P. ZHAO, a California
37 resident; AMERICA FOOD INT'L CORP., a
38 California corporation; and GIANT UNION
39 COMPANY, INC., a California corporation,

40 Defendants.

1 Pursuant to Rules 38(d) and 39(a) of the Federal Rules of Civil Procedure, the parties, by and
2 through their undersigned counsel, hereby waive the right to a jury on any and all issues, claims, and
3 defenses. The parties, accordingly, withdraw their prior demands for a jury and consent to a trial by
4 the court of this action in its entirety.

5 TOWNSEND AND TOWNSEND AND CREW LLP
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7 DATED: April 10, 2006

/s/
8 Timothy R. Cahn
9 *Attorneys for Plaintiff*
KOON CHUN HING KEE SOY & SAUCE
FACTORY, LTD.

10
11 DATED: April 10, 2006

/s/
12 Bernard Cooper
13 *Attorneys for Defendants*
L. A. VICTORY, INC. and JOE P. ZHAO

14
15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17 DATED: April 11, 2006


18 Maxine M. Chesney
19 Judge, United States District Court

20
21 60744671 v1